

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

BENT OAK TOWNHOUSES, INC.,	*	
	*	
Plaintiff,	*	
	*	
v.	*	CIVIL NO. SA-16-CA-01310-FB
	*	
PELEUS INSURANCE COMPANY,	*	
	*	
Defendant.	*	
	*	

O R D E R

On January 11, 2017, United States District Judge Fred Biery ordered the parties to submit a proposed Scheduling Order within 60 days. They did not do so. On Monday March 20, 2017, an e-mail was sent to all counsel of record from the chambers of the undersigned inquiring when they intended to comply with the Court's order. No response was received. On March 23, 2017, the Court entered an Order requiring the parties to submit the Scheduling Order by 5 p.m. Monday March 27 and all counsel to appear before this Court on Wednesday March 29 at 9 a.m. to show cause why they should not be held in contempt.

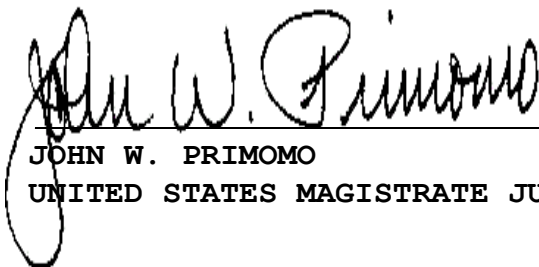
Finally, on the morning of March 24th, the Court was advised that the case had settled and counsel neglected to advise the Court. No apologies were offered either for the failure to comply with Judge Biery's deadline or the failure to respond to this Court's e-mail. The Court was informed an Advisory would

be filed regarding the settlement. The Advisory (docket no. 8) states that the parties have reached a settlement and are working to fully document the settlement and intend to file a joint motion to dismiss all claims asserted in this action within forty-five (45) days. The parties requested that all further action in this matter be deferred until that time. Once again, counsel offers no explanation or apology for their failure to comply with the Court's Order, failure to notify the Court of the settlement, and failure to respond to the Court's e-mail.

Rarely do counsel rankle this Court and even less often does the Court feel compelled to take action. However, counsel's abject disrespect for Judge Biery and this Court demands that they answer for their contemptible behavior. The show cause hearing set for Wednesday March 29, 2017 at 9 a.m. before this Court shall remain on the docket. James M. McClenny and James W. Holbrook, III must appear in person, not through any other counsel of record. Unless Mr. McClenny and Mr. Holbrook are partners in their respective firms, then the presence of a partner shall also be necessary. Failure to be present will result in issuance of a bench warrant. The presence of a firm checkbook is required.

It is so **ORDERED**.

SIGNED this March 23, 2017



JOHN W. PRIMOMO
UNITED STATES MAGISTRATE JUDGE